

Notice of Allowability

Application No.

09/228,103

Examiner

Sow-Fun Hon

Applicant(s)

GOPAL, HARSH

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview summary dated 05/12/05.
 2. ☒ The allowed claim(s) is/are 16-23,25-31,33-44 renumbered 1,3,2,4-14,17-25,15,26,16,27.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>05122005</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>2/99,5/00</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wes Musselman on 05/12/05.

The application has been amended as follows:

2. Substitute claim 16 with - - A food casing comprising an internal surface coating of an aqueous emulsion comprising polyglyceryl ester comprising at least two glyceryl moieties, which polyglyceryl ester consists essentially of a mixture of triglyceryltetraoleate and triglycerylmonooleate where the amount of triglyceryltetraoleate is greater than the amount of triglycerylmonooleate. - -

3. Substitute claim 17 with - - A food casing comprising an internal surface coating of a dried aqueous emulsion comprising from about 1 to about 5 wt. % polyglyceryl ester comprising at least two glyceryl moieties and from about 1 to about 4 ester groups, wherein the polyglyceryl ester comprises two different triglyceryl esters present in a ratio of about 4 to 1. - -

4. Substitute claim 43 with - - The coated food casing of claim 21 wherein the polyglyceryl ester consists of triglyceryltetraoleate and triglycerylmonooleate. - -

5. Substitute claim 44 with - - The coated food casing of claim 31 wherein the polyglyceryl ester consists of triglyceryltetraoleate and triglycerylmonooleate. - -

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2. The following is an examiner's statement of reasons for allowance: the closest cited prior art of record US 3,898,348, even with US 5,370,914, fails to teach or suggest a food casing comprising an internal surface coated with:

- a) an aqueous emulsion comprising polyglyceryl ester comprising at least 2 glyceryl moieties, which polyglyceryl ester consists essentially of a mixture of triglyceryltetraoleate and triglycerylmonooleate where the amount of triglyceryltetraoleate is greater than the amount of triglycerylmonooleate; or
- b) a dried aqueous emulsion comprising from about 1 to about 5 wt. % polyglyceryl ester comprising at least 2 glyceryl moieties and from about 1 to about 4 ester groups, wherein the polyglyceryl ester comprises two different triglyceryl esters present in a ratio of about 4 to 1; or
- c) an aqueous emulsion comprising at least one polyglyceryl ester and greater than 50 wt. % of water, the polyglyceryl ester comprising at least two glyceryl moieties, and wherein the polyglyceryl ester is selected from the group consisting of triglyceryltetraoleate and triglycerylmonooleate; or
- d) an aqueous emulsion comprising at least one polyglyceryl ester and greater than 65 wt. % of water, the polyglyceryl ester comprising at least two glyceryl moieties, and wherein the polyglyceryl ester is selected from the group consisting of triglyceryltetraoleate and triglycerylmonooleate.

Neither reference teaches the polyglyceryl ester comprising at least 2 glyceryl moieties and from about 1 to about 4 ester groups wherein the polyglyceryl ester is

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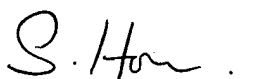
triglyceryl ester. There is no motivation to combine with US 3,966,632. See Applicant's arguments dated 3/23/05.

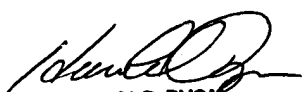
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sow-Fun Hon
05/23/05


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/24/05